

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
JUNE 19, 2017**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:00 PM on Monday, June 19, 2017.

ROLL CALL:

Mayor Ruth Penney Bell asked the Clerk to call the roll and the following Board Members were present: Mayor Bell, Assistant Mayor Barbara S. Miner, and Directors Tim Johnson, Laney J. Harris, Travis Odom, Terri Peavy and Linda Teeters. Also present were City Manager Kenny Haskin, City Attorney George M. Matteson and City Clerk Heather Soyars.

Mayor Bell asked it be duly noted there was a quorum present for tonight's meeting.

INVOCATION:

The invocation was given by Director Linda Teeters.

PLEDGE OF ALLEGIANCE:

Director Linda Teeters led everyone in the Pledge of Allegiance.

[Director Laney Harris arrived at 6:03 PM]

COMMENTS FROM THE MAYOR:

Welcome:

Mayor Bell welcomed everyone to tonight's meeting.

Board Meeting Procedure:

Mayor Bell briefly reviewed the board meeting procedures and pointed out the Agenda Item Cards, Citizens' Communication Cards, and agendas along the rail for tonight's Board meeting. The Mayor asked any audience member interested in speaking at tonight's Board meeting to complete one of the cards and turn the card in to the City

Clerk. She said this would help run an organized meeting and allowed the Clerk to have the necessary information for the meeting minutes. She stated any citizen may comment on any item on the agenda and express their desires, but would be limited to five minutes.

Arkansas Municipal League June Convention:

Mayor Bell said she, Director Peavy and Director Teeters attended the Arkansas Municipal League Convention in Little Rock, Arkansas. She said the Municipal League Board had so much to do with what transpired to affect the cities throughout this State. She said of the twenty resolutions submitted by the Municipal League last year to the Arkansas Legislature, sixteen were passed. Mayor Bell said the Municipal League was very instrumental to what happened in our City and they looked out for what was best for the City.

QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:

Mayor Bell asked if the Directors had any questions or comments.

No one came forward.

PRESENTATION(S):

Arkansas Department of Corrections Workers:

Public Works Director Jeff Whitten gave a brief report saying he wanted to follow-up his report on the Community Workforce which were known as the yellow suits. He said he met with Warden Steven Arnold and he gave him the history of the program. Mr. Whitten said the program was established as a workforce unit but through the course of time the program changed into more of a rehabilitation unit. He said the Community Workforce specialized in the rehab of the inmate and getting them ready to go back into the workforce. Mr. Whitten said the maintenance work was not routinely done, these workers could help on special projects for the City. He said a lot of the projects the Community Workforce helped with were for the State and County, but the Community Workforce helped the Street Department clean the right-of-ways. Mr. Whitten said the City would have the Community Workforce help with special projects and this would help get caught up with the trash around the City. He said the Arkansas

Department of Corrections (ADC) workers were more of the routine maintenance help and the Community Workforce was more of the special project help.

Assistant Mayor Miner asked if she could use some of the workers on East 35th Street. She had been in touch with realtors in the neighborhood and asked them to help her keep the street clean and the yards mowed.

Jeff Whitten said the City could use the workers for the right-of-ways but private property would not be an option.

Assistant Mayor Miner said there were times when Ed Worrell Park was used for out-of-town baseball tournaments and she would like for East 35th Street to look better.

Mayor Bell asked what about Code Enforcement.

Mr. Whitten said we could use Code Enforcement but it would still fall back on the owner of the property.

Budget Variance Report:

Finance Director TyRhonda Henderson gave a brief report on the Budget Variance for the General Fund for January through March 2017. She said the City was at 23% of the budget for revenue and the City should be at 25% for the first quarter of the year. Ms. Henderson said this was caused by two major items, 1) the City's property taxes were only 20%, the bulk of this revenue would be received in October and November of each year and 2) from other governments was only at 12%, the City would receive 100% of the State turnback revenue in July and this was budgeted right around \$500,000. She said the expenditures were at 23% and it should be 25% of the budget, all Department Heads had been working extremely hard and diligently to make sure they operated within their budget.

Mayor Bell asked if every department were in budget.

Ms. Henderson said yes.

Director Peavy asked how the City's general revenue was effected by the lack of liquor sales.

Ms. Henderson said the City was supposed to receive a 1%-3% annually increase in sales tax revenue. In the past several years the City's revenue had flatlined or maybe increased or decreased a ¼% - ½%. She said when you thought in percentage a ½% -3% did not sound like a large number, but 1% of 9 million dollars was a lot of money. Ms.

Henderson said the City did not have the option to increase another revenue type to make up the difference and had to cut back on the expenditures.

CONSENT AGENDA:

The Mayor took a vote of yeas and nays for the approval of the consent agenda. The yeas being heard and no nays coming forth, the consent agenda was approved unanimously.

The items approved by consent were:

MINUTES:

The minutes approved were of the regular meeting June 5, 2017 and the called meeting June 13, 2017.

REGULAR AGENDA:

ORDINANCE TO ADJUST PUBLIC WORKS

DEPARTMENT FEES – SECOND READING:

An ordinance was introduced to be entitled, “An Ordinance Authorizing and Directing the City Manager to Adjust the Public Works Department Fees”.

Director Harris said when the ordinance was first read it was read in abbreviated form and the Public Works Director Jeff Whitten did not review the fee schedule. He had been asked about the fees for a garage sale and when would a garage sale turn into a business. Director Harris also wanted to know how garage sales would be enforced.

Jeff Whitten said the issue on the garage sales were mentioned in the workshop Public Works had and at the time there was a consensus to remove the item but it did not get removed. He made a recommendation the garage sale item be removed from the ordinance going forward. Mr. Whitten gave a brief review of the adjusted fees.

Director Harris asked what were the citizens going to receive since they were raising the fees.

Mr. Whitten said the Public Works Department was offsetting expenses with hopes to gain personnel and upgraded equipment to help the City.

Director Harris asked if the Dial-A-Truck could be brought back to the City. He also asked if there could be a clean-up day on the first Saturday of the month or maybe

once every quarter. Director Harris said it looked like the services for the citizens were getting cut back but the City still raised the fees.

Director Teeters asked when the last time the City raised the fees in question.

Mr. Whitten said the fees were put in place before he came to work at the City.

Director Teeters asked ten to fifteen years?

City Manager Dr. Kenny Haskin said at least ten years for sure.

Director Teeters said over a ten to fifteen year period the rate of inflation rose across the board and she did not think the City's fees needed to stay stagnate. She said when society progressed, inflation rates changed and the fees should adjust accordingly.

Mayor Bell asked how the Arkansas-side compared to the Texas-side in the rate of fees.

Mr. Whitten said with the increased fees to residential and non-residential permits the Arkansas-side would still be well below the Texas-side fees.

Mayor Bell said the Board knew every department was shorthanded. The Finance Department had to cut one of the employees in order to meet the budget. She said she could see where the Public Works Department could use the extra man power since it was so complex and had so much to oversee.

Director Peavy said in the Public Works workshop the Dial-A-Truck and the garage sale fee were mentioned and we asked for a future workshop to discuss these issues. She said she wanted the next workshop to be after the fees had been raised and the City could see the change in revenue. Ms. Peavy said she had citizens ask her about the Dial-A-Truck and the street sweeper, but she was not willing to rob Peter to pay Paul at this point until the City had a better handle on the loss of revenue sources.

Mr. Whitten said he had daily calls about the Dial-A-Truck and the truck used for that was in the shop being repaired and the truck being used now was less than reliable.

Director Teeters said after the last Board meeting she researched other Arkansas cities that had garage sale fees and what was presented at the workshop was right on track. She asked if maybe our City could talk to the other cities and see how they handled all the different issues.

Mayor Bell said maybe the City could hire an employee strictly for the purpose of enforcing garage sale codes.

The ordinance was read the second time in abbreviated form.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item.

Dwayne Hall, 2303 College Street, said the City staff was very courteous and informative. He said he had questions and concerns regarding garage sale fees. Mr. Hall said after the last Board meeting he spoke with the Public Works Director Jeff Whitten and his questions were answered. Mr. Hall gave examples of a couple of meetings when the Mayor asked for public comments before there was any action taken on an agenda items. He said there was a reason the public needed to speak about agenda items, sometimes the public caught items the City staff or Board members did not catch. Mr. Hall said if he had been allowed to speak at the last meeting the garage sale issues could already been settled but now the ordinance was in an incorrect form. He said he also did research on garage sales and he would like to be invited to the next workshop. Mr. Hall said when an agenda item placed before the Board the Mayor should recognize the public for any comments prior to Board action. He said this Board was a great Board and he felt the City was ran right, he thought it was important to have a reminder about the rules.

Mayor Bell said the workshop was advertised and open to the public and she did remember a citizen being at the workshop. She said the notices were sent to the media and posted in the City's website.

Gerald Thomas, 5 Pine Trail, said he purchased property on 2902 Woodland to remodel and spoke to the Public Works Department to ask what he needed do. He said the Public Works Department told him he would need to have a permit before he could do anything, so he purchased a permit. Mr. Thomas said during the remodeling process there were two houses around his also remodeling and they did not have permits. He said he went to the Public Works Department to let them know but there was nothing done to the two houses without permits. Mr. Thomas said he asked Mr. Whitten the Public Works Director for a written explanation why the City operated like this. He said the City was failing, it had no money and things were falling apart. Mr. Thomas said his wife spoke with someone in Miller County and asked them if the County took over when a City failed and they said no they did not. He asked the Board how they were going to dig this City out of the hole it was in or were they just going to let it go.

Director Harris said there were two items on this ordinance that were improper, was the Board going to pass the ordinance and then amend the ordinance, or take it off and start over.

City Attorney George Matteson said he understood Section 8 regarding garage sale permitting would not be included with adoption, which would be easy to do when the motion to adopt was made excluding Section 8.

Mayor Bell said this would take place at the vote after the third reading of the ordinance.

Mr. Matteson said that was correct.

Mayor Bell told Mr. Whitten the alterations needed to be done before the Board made the final vote after the third reading. She said the Board just had the second reading and the third reading would be at the next meeting. Mayor Bell said before the vote was taken there would be adequate time for the public to speak, five minutes per person. Mayor Bell said since there was no emergency clause enacted and the third and final reading would be at the next meeting. She said this would be the time for the public to make any comments after Mr. Matteson read the amended version of the ordinance.

Mr. Matteson said the ordinance would be read in its current form with the motion to adopt excluding Section 8.

Director Teeters said she wanted to clarify there would be three readings and then a vote, the Board had not voted on this ordinance. She said it was brought before the Board and we were hearing the readings over a course of a month and half and there had not been a single vote.

ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF ORDINANCES - FIRST READING:

An ordinance was introduced to be entitled, "An Ordinance to Amend Chapter 9 of the *Code of Ordinances of the City of Texarkana* to Revise Fees".

Finance Director TyRhonda Henderson said this item was to amend Chapter 9, Fire Prevention and Protection, of the *Code of Ordinances* and to approve an addition to the current fee schedule. Section 9-12 of the *Code of Ordinances* should be revised to replace 'Manufacturing Business' with 'Factory/Industrial 20,000 Sq. Ft +'. The

wording 'Manufacturing Business' was vague and presented a challenge correctly classifying facilities. Section 9-12 of the *Code of Ordinances* should also be revised to replace 'Fee for the Second and Any Subsequent Re-Inspections' to 'Fee for the Second Re-Inspection and Any Subsequent Re-Inspections'. The current reading was vague and caused some confusion as to when the fee should be charged. Section 9-12 of the *Code of Ordinances* should also be revised to add 'All Other Commercial Business; Annual Inspection Fee \$0; Fee for the Second Re-Inspection and Any Subsequent Re-Inspections Occurring Prior to the Next Annual Inspection \$75. This section currently read as if the fee were only associated with the businesses categories listed and not all commercial businesses, as it was intended. Section 9-12 of *Code of Ordinances* should also be revised to add a \$75 annual permit fee per commercial fire alarm system. The City Manager recommended approving the revisions.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Johnson moved the ordinance be read in its entirety and the ordinance be placed on its first reading. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the first time in its entirety.

Mayor Bell said the second reading would be at the next Board meeting.

ORDINANCE TO AMEND CERTAIN PROCEDURAL PROVISIONS IN THE CODE OF ORDINANCES - FIRST READING:

An ordinance was introduced to be entitled, "An Ordinance Amending Certain Procedural Provisions of the *Code of Ordinances of the City of Texarkana*; and for other purposes". This item was requested to be added to the agenda by Mayor Bell.

Mayor Bell said this ordinance put policy in place for Board agenda items. She said if a Board member requested an item be placed on the agenda the Board member must file the agenda item with the office of the City Manager by 5:00 PM on the second

Wednesday prior to the regular Board meeting. The Board member's agenda item would be reviewed at the staff meeting and the City Manager would make a recommendation of 'staff recommended approval' or 'staff did not recommend approval' for proposed Board member agenda items after considering any comments from Department Heads and the City Attorney. Board member agenda items not recommended by staff would not be included in the upcoming Board meeting. The City manager would schedule a workshop within 30 days to discuss Board member agenda items not recommended for approval by staff. The Board member agenda items then had to receive the affirmative endorsement of at least 2 members of the Board and then the item would be placed on the next scheduled meeting occurring no sooner than 7 business day following the workshop.

Mayor Bell said she thought the ordinance should be read first but she would allow any Board or audience member to come forward with any comments or questions concerning the item.

Jesse Keaton, 1118 Laurel Street, said the ordinance basically stated if a Board member wanted to put an item on the agenda it would take two Board members to approve and if it did not get a second, the item would not make the agenda.

Director Teeters said if Dr. Haskin and the Department Heads approved the item then it would not need a second from the Board.

Mr. Keaton said it would take two votes to place the item on the agenda if it were not approved by the City Manager and staff.

Dr. Haskin said that was correct.

Mr. Keaton said what was important in his neighborhood might not be important to another person. He said anytime we handicapped an individual who represented citizens and only one person saw the need for the issue, it would not be fair for people not to be able to hear the issue. He said if the individual's voice could not be heard, why have him on the Board.

Director Peavy said she thought Mr. Keaton left out the City Manager was supposed to represent all the City and we must have faith in the City Manager and his Department Heads. She said the City Manager and staff would not discriminate against any ward in the City.

Mayor Bell said if she added something to the agenda and it did not get a second, it would not be voted on.

Mr. Keaton said his issue was not with the vote it was about an item be heard. He said he did not think you needed to vote to put something on the agenda.

Mayor Bell said the responsibility for making up the agenda was with the City Manager and his staff.

Mr. Keaton said if the City Manager and staff did not put the item on the agenda then it would take another Board member to second it.

Director Teeters said there would be a workshop and then the Board member could explain the reasons he wanted the item on the agenda. She asked Dr. Haskin how often a Board member came to him with an agenda item and it was not approved by the first channel.

City Manager Dr. Haskin said extremely rare.

Mayor Bell said she felt like this had to do with the last meeting where Director Harris had put on the agenda wanting to be instructed on the fiduciary responsibilities of the people in government. She said she asked Director Harris for the information on the item and she did not receive any nor did any of the other Board members. She asked for the item be removed from the agenda. She said she did not feel like she was doing anything to Director Harris constituents or keeping them from having a voice.

Director Harris said his item was not on the agenda and he was advised he could bring it up at the citizen's communication time.

Mayor Bell said she was not the one who made the agenda she was the one who tried to run the meeting after the agenda had been made. She said she did not know Director Harris had resubmitted anything and she would like to know from now on if something were submitted.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the first time in abbreviated form.

ORDINANCE NO. 15-2017:

An ordinance was introduced to be entitled, "An Ordinance amending Ordinance No. M-139 as Amended; Approving Amendments to the City of Texarkana, Arkansas, Personnel Policy; Declaring an Emergency; and for Other Purposes". Said ordinance was added to the agenda at the request of Director Odom.

Director Odom said July 4, 2017, was on a Tuesday, he recommended the Board also give our City employees Monday, July 3, 2017, as a holiday with pay. He said he felt like our City employees were very dedicated and the City did not have the money to give them a raise. We could give them a day off and it would not cost the City one penny.

Director Harris said when did this come about and how many holidays did City employees get in a year.

Mayor Bell asked Ms. Henderson if she knew.

Ms. Henderson said the City employees received 13 paid holidays.

Director Peavy said she was asked after the called Board meeting about the holiday and she gave her affirmative.

Mayor Bell said this was brought up at the workshop.

Director Peavy said she did not think Director Harris was at the workshop.

Director Teeters said it was at our 1:00 PM called Board meeting and workshop.

Mayor Bell said yes, she remembered Director Odom saying since the City employees would be off on Tuesday, he proposed not only get the Tuesday but also get the Monday as well.

Director Teeters said for future reference if July 4th, fell on a Wednesday we would not be doing this, it was only since July 4th, fell on a Tuesday.

Mayor Bell asked Director Odom if he could explain the reason behind his request.

Director Odom said the employees would have a four-day weekend because Tuesday was the 4th of July.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Assistant Mayor Miner. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the first time in abbreviated form.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its second reading. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the second time in abbreviated form.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Peavy. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the third time in abbreviated form.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Johnson asked again if anyone from the public wanted to speak on this item. No one came forward.

Assistant Mayor Miner made the motion to adopt the ordinance. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the ordinance adopted, as there were seven ayes and no nays.

EMERGENCY CLAUSE:

reputation, and the Board scandalized him. Mr. Layton said the Board and the citizens should be ashamed of their selves, all of us have skeletons in the closet. He said he was not there to discredit the Board; they were doing a fantastic job in some areas. Mr. Layton wanted the Board to take another look at the accusations brought against Director Harris since there were two sides to every story. He said he also had concerns regarding Ernest Hill and George Williams Parks. Mr. Layton said he requested the park have more room since the citizens were boxed in. He said when it rained the people were walking in mud. Mr. Layton told Mayor Bell she needed to come down and see the Park.

Mayor Bell said she had. She told him the park was in a flood zone and it cost \$70,000.00 to install a toilet.

Mr. Layton said every other park in the City was maintained by the City. He said the ditch and creek were full of trash and debris, no one cared about the “dump”.

No one else came forward.

ADJOURNMENT:

Director Odom, seconded by Director Teeters, moved to adjourn the meeting. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the meeting adjourned, as there were seven ayes and no nays.

The meeting adjourned at 8:10 PM.

ATTEST:



Heather Soyars, City Clerk



Ruth Penney Bell, Mayor